

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6675

BILL NUMBER: SB 180

NOTE PREPARED: Jan 28, 2008

BILL AMENDED: Jan 24, 2008

SUBJECT: Child Abduction and Seduction.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Child Seduction: The bill provides that a person who is at least 18 years of age commits child seduction if: (1) the person is not a student attending the school but is affiliated with a school corporation, charter school, or nonpublic school; (2) the person engages in sexual conduct with a student who attends the school; and (3) the student is at least 16 and less than 18 years of age.

Interference with Custody Rights: It makes interference with custody rights: (1) a Class C felony if it is committed by removing a child to a location outside Indiana or failing to return a child to Indiana; and (2) a Class B felony if the child is removed to another country or if the person fails to return the child from another country.

Effective Date: July 1, 2008.

Explanation of State Expenditures: *Summary:* State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time or if more offenders are convicted of offenses. The bill increases the penalties associated with interference with custody rights and changes the definitions associated with child seduction, expanding the pool of potential violators.

Background: *Child Seduction:* Under current law, a child care worker is defined as a person employed by a school corporation or a nonpublic school. Under the bill, compensation is not a consideration and charter schools are included in the definition of child care worker. Child Seduction is a Class D felony.

(Revised) *Interference with Custody Rights*: The underlying penalty for interference with custody is a Class D felony if the child is removed from Indiana or if the child is not returned to Indiana. Under the bill, the underlying offenses increase to a Class C felony, and a Class B felony is established if the child is taken to or not returned from another country. The bill also eliminates Class C felony interference with custody when the person is less than 14 years old and is not the person's child.

The following penalties apply to the offenses.

Crime Class Category	Sentence Range	Average Length of Stay in a DOC Facility
Class B Felony	6 to 20 years	3.7 years
Class C Felony	2 to 8 years	2 years
Class D Felony	6 months to 3 years or Reduction to Class A misdemeanor	10 months

The average expenditure to house an adult offender was \$19,185 in FY 2007. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$63,138.

Explanation of State Revenues: (Revised) *Interference with Custody Rights*: Criminal court fees are the same for all felonies. The maximum criminal fine for a Class B, C, or D felony is \$10,000 which is deposited in the Common School Fund.

Explanation of Local Expenditures: (Revised) *Interference with Custody Rights*: No change is expected for offenders detained in county jails prior to trial.

Explanation of Local Revenues: (Revised) *Interference with Custody Rights*: Court fees for both felonies are \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

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